

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

UNITED STATES OF AMERICA)	
)	
v.)	Case No. 3:21cr42
)	
KEITH RODNEY MOORE,)	
Defendant)	

**DEFENDANT’S CONSENT MOTION TO EXTEND THE TIME TO FILE THE
RESPONSE TO THE GOVERNMENT’S SUPPLEMENTAL *DAUBERT* MOTION**

Keith Moore, through counsel, moves the Court to extend the time to file a response to the response to the government’s supplemental *Daubert* motion to Friday, September 9, 2022. In support of this motion, Mr. Moore states the following:

1. On May 4, 2021, the government indicted Mr. Moore on one count of Possessing a Firearm by a Convicted Felon, in violation of 18 U.S.C. § 922(g)(1). *See* ECF No. 3.
2. On July 18, 2022, this Court held a hearing on Mr. Moore’s Motion to Suppress Evidence and Statements and the Government’s Motion to Exclude Defense Expert, as to Dr. Marvin Chiles. *See* ECF No. 96. The hearing was continued to the second day of testimony on July 19, 2022. The evidence was adduced, and the matter remains open until there is a resolution on whether the testimony of Dr. Chiles will be allowed. Mr. Moore was continued on bond. *See* ECF 98.
3. On July 19, 2022, the Court entered an order finding that Mr. Moore’s expert disclosure for Dr. Chiles did not comply with Rule 16 of the Federal Rules of Criminal Procedure and set a deadline for Mr. Moore to file a Rule 16 compliant summary by August 8, 2022. *See* ECF No. 99. The Court also ordered Mr. Moore’s summary to contain sufficient detail to

allow the government to respond. *Id.* The Court granted leave for the government to file a supplemental *Daubert* motion challenging Dr. Chiles's testimony by August 22, 2022. Mr. Moore was ordered to file his response to the government's supplemental *Daubert* motion by September 6, 2022. *Id.*

4. The Rule 16 compliant summary was filed on August 5, 2022. *See* ECF No. 102. The supplemental *Daubert* motion was filed by the government on August 22, 2022. *See* ECF No. 103.
5. Over the weekend, undersigned counsel became unexpectedly ill and is currently taking leave to recover from her illness. Additionally, counsel's son has an important medical procedure scheduled on Wednesday, September 7, 2022. Thus, counsel will require additional time to file Mr. Moore's response to the government's supplemental *Daubert* motion beyond September 6, 2022.
6. Undersigned counsel has communicated with the government, represented here by Shea Gibbons, about this request. Mr. Gibbons has indicated that the government has no objection to this request. If the Court grants this request, the government requests an extension to file its reply to Friday, September 16, 2022, to allow the government adequate time to review and reply to Mr. Moore's response.

Thus, Mr. Moore moves the Court to extend the response deadline to the government's supplemental *Daubert* motion to Friday, September 9, 2022, and in turn, requests the government's reply to the response to Friday, September 16, 2022.

Respectfully submitted,
KEVIN RODNEY MOORE

By: /s/
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